

REMARKS

Claims 1-36 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 4, 5, 27-31, and 35 have been amended as shown on pp. 2-5 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Drawing Objections

Figures 5 and 6 are objected to, and withdrawal of this objection is requested in view of the corrected drawing sheets submitted herewith.

II. Rejection of Claim 1 Under 35 U.S.C. §102(b)

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Sklar (US 2001/0015733). This rejection should be withdrawn for the following reasons. Sklar does not disclose or suggest each and every limitation set forth in the subject claim.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a data management system and method. In particular, claim 1 recites *a designator that analyzes data and creates a plurality of hierarchy levels where each hierarchy level represents subsets of the data designated as pivot points, the pivot point(s) for respective levels are selected from the data based upon relevance criteria that indicate an importance of the data to a user* and also *a display component that can selectively display the pivot points to the user as a function of logical order and relevance to the user*. Sklar does not disclose or suggest these novel aspects of the invention as claimed.

Sklar relates to a search interface and a method of database searching. Database records are displayed by “clustering” in which database records are associated by proximity, in which closer records are included within a particular cluster. When a display map is “zoomed in... a number of clustered records become unclustered because the clustering criteria are sharpened.” (*See, e.g.*, paragraph [0017].) Contrary to assertions in the Office Action, the cited reference does not disclose or suggest at paragraph [0076] let alone anywhere in the document applicant’s claimed invention. Rather the cited section merely discloses a selection display that depicts cluster icons for a hierarchical directory list and item icons - a series of displays are presented in which a cluster icon is substituted for a plurality of item icons. The process of displaying elements of clusters is continued until individual icons remain. Contrary to contentions in the Office Action, the cluster icon cannot be interpreted as a pivot point. A pivot point in accordance with the claimed invention provides for significant time savings by automatically updating data according to determined classification such as for example importance, urgency, or criticality, by mitigating amount of time users sort and process through a plurality of data lists. The noted cluster icon does not provide for such functionality. In view of at least the foregoing, it is readily apparent that Sklar does not disclose or suggest either a *designator* or a *display* employing *pivot points...selected from the data based upon relevance criteria that indicate an importance of the data to a user*. This rejection should be withdrawn.

III. Rejection of Claim 1 Under 35 U.S.C. §102(e)

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Burdick *et al.* (US 2004/0169688). This rejection should be withdrawn for the following reasons. Burdick *et al.* does not disclose or suggest each and every limitation set forth in the subject claim.

Burdick *et al.* relates to a user interface for displaying data. A database is used to store data, and the data is associated with a plurality of nodes, each having an identifier, and organized in a hierarchy having a plurality of levels. Although Burdick *et al.* mentions “interactive pivot point” at paragraph [0024] (cited in the Office Action), this terminology is simply used to refer to a display selection tool used by a user to optionally

select a display of levels in the hierarchy for each of the nodes. There is no disclosure or suggestion in the cited passage or elsewhere in the document of *a designator that analyzes data and creates a plurality of hierarchy levels using pivot points selected from the data based upon relevance criteria that indicate an importance of the data to a user*. Neither is there any disclosure or suggestion in this document of *a display component that can selectively display the pivot points to the user as a function of logical order and relevance to the user*. In view of at least the foregoing comments, the rejection of independent claim 1 should be withdrawn.

IV. Rejection of Claims 1, 5, 13, 14, 27-30 and 33-36 Under 35 U.S.C. §102(e)

Claims 1, 5, 13, 14, 27-30 and 33-36 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gardner *et al.* (US 2005/0076312). This rejection should be withdrawn for the following reasons. Gardner *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

Gardner *et al.* relates to a navigation aid for hierarchical structures. Gardner *et al.* is simply drawn to a multi-level structure in which clicking an icon while a “+” symbol is displayed causes a directory to expand, and clicking the icon while the “-” symbol is displayed causes the directory to collapse (*See, e.g.* paragraph [0016]). The Office Action contends that “the expand/collapse icon 10 is interpreted as pivot point.” Contrary to these assertions, this icon merely executes a simple function. There is no disclosure or suggestion in Gardner *et al.* that the expand/collapse icon is a *pivot point... selected from the data based upon relevance criteria that indicate an importance of the data to a user*, as recited in claim 1 (and similarly independent claims 27 and 35). Neither is there any disclosure or suggestion of a *designator* for creating the hierarchy associated with the pivot point, or a *display component* for displaying the pivot points *as a function of logical order and relevance to the user*. In view of at least the foregoing comments, the rejection of independent claims 1, 27 and 35 (and claims that depend therefrom) should be withdrawn.

V. Rejection of Claim 2 Under 35 U.S.C. §103(a)

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner *et al.* in view of Sheldon *et al.* (US 2002/0169840). Withdrawal of this rejection is requested for at least the following reasons. Claim 2 depends from independent claim 1. As stated *supra*, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Sheldon *et al.* does not cure the aforementioned deficiencies of the primary reference. Withdrawal of this rejection is therefore respectfully requested.

VI. Rejection of Claim 3 Under 35 U.S.C. §103(a)

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner *et al.* Withdrawal of this rejection is requested for at least the following reasons. As stated *supra*, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim 1. Therefore, claim 3, which depends therefrom, is allowable for at least the same reasons. Withdrawal of this rejection is therefore respectfully requested.

VII. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner *et al.* in view of Sklar. Withdrawal of this rejection is requested for at least the following reasons. Claim 6 depends from independent claim 1. As stated above, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Sklar does not cure the aforementioned deficiencies of Gardner *et al.* Therefore, this rejection should be withdrawn.

VIII. Rejection of Claims 7, 11, 12, 20 and 31 Under 35 U.S.C. §103(a)

Claims 7, 11, 12, 20 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner *et al.* in view of Applicant's admitted prior art (hereafter AAPA). Withdrawal of this rejection is requested for at least the following reasons. Claims 7, 11, 12 and 20 depend from independent claim 1, and claim 31 depends from independent claim 30. As noted *supra*, Gardner *et al.* does not disclose or suggest every

limitation set forth in the subject independent claims. The alleged admission of prior art does not make up for the deficiencies of the cited reference. For at least these reasons, this rejection should be withdrawn.

IX. Rejection of Claims 8 and 17-19 Under 35 U.S.C. §103(a)

Claims 8 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gardner *et al.* and AAPA and further in view of Brierley *et al.* (US 2002/0161779). Withdrawal of this rejection is requested for at least the following reasons. Claims 8 and 17-19 depend from independent claim 1. Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, as stated *supra*. Neither the alleged admission of prior art nor the Brierley *et al.* document cure the aforementioned deficiencies; and this rejection should be withdrawn.

X. Rejection of Claims 9, 15, 16 and 32 Under 35 U.S.C. §103(a)

Claims 9, 15, 16 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gardner *et al.* and AAPA and further in view of Sheldon *et al.* Withdrawal of this rejection is requested for at least the following reasons. Claims 9, 15 and 16 depend from independent claim 1, and claim 32 depends from independent claim 27. As stated *supra*, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Neither the alleged admission of prior art nor Sheldon *et al.* resolve the aforementioned deficiencies of the primary reference. Withdrawal of this rejection is therefore respectfully requested.

XI. Rejection of Claim 10 Under 35 U.S.C. §103(a)

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gardner *et al.*, AAPA and Sheldon *et al.* and further in view of Brierley *et al.* Withdrawal of this rejection is requested for at least the following reasons. Claim 10 depends from independent claim 1. As stated *supra*, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, and neither Sheldon *et al.*, the alleged admitted prior art, nor Brierley *et al.* cure the aforementioned deficiencies. This rejection should therefore be withdrawn.

XII. Rejection of Claims 21-23 Under 35 U.S.C. §103(a)

Claims 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner *et al.* and further in view of Duruo (US 2002/0124133). Withdrawal of this rejection is requested for at least the following reasons. Claims 21-23 depend from independent claim 1. As stated above, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim. Duruo also fails to cure the aforementioned deficiencies. It is respectfully requested that this rejection be withdrawn.

XIII. Rejection of Claims 24-26 Under 35 U.S.C. §103(a)

Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gardner *et al.* and Duruo and further in view of Kaplan *et al.* (US 2002/0180803). Withdrawal of this rejection is requested for at least the following reasons. Claims 24-26 depend from independent claim 1. As stated *supra*, Gardner *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, and Duruo and Kaplan *et al.* both fail to make up for the deficiencies of Gardner *et al.* Withdrawal of this rejection is therefore respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP541US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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